



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 97-96
April 29, 2004

PUBLICIZING CONTRACT ACTIONS

BACKGROUND: This PN combines the processes for Administrator notification of contract actions and the HQ public announcement procedures. Comments were received from several Centers stating that the current administrator notification process outlined in the NASA FAR Supplement is confusing. It also provides for the electronic transmission of encrypted information between the Contracting Officer and the Headquarters Office of Procurement.

ACQUISITIONS AFFECTED BY CHANGES: Contract actions of \$25 million or greater.

ACTION REQUIRED BY CONTRACTING OFFICERS: Contracting officers must comply with the requirements for the development for Administrator notification documents and draft press releases in accordance with the language in 1805.3.

CLAUSE CHANGES: None

PARTS AFFECTED: Changes are made in Parts 1805.

REPLACEMENT PAGES: You may use the enclosed pages to replace Part 1805.

TYPE OF RULE AND PUBLICATION DATE: Not Applicable. This change does not have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors and therefore does not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

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Enclosures

DISTRIBUTION:
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**PART 1805
PUBLICIZING CONTRACT ACTIONS**

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**PART 1805
PUBLICIZING CONTRACT ACTIONS**

Subpart 1805.1--Dissemination of Information

1805.101 Methods of disseminating information.

(b)(4) For NASA policy regarding paid advertisements, see 1805.502.

Subpart 1805.2--Synopses of Proposed Contracts

1805.207 Preparation and transmittal of synopses.

(a) Synopses shall be transmitted in accordance with 1804.570.

(c)(14) Notices for non-competitive solicitations, including non-competitive follow-on actions to contracts initially awarded utilizing full and open competition, shall provide sufficient information regarding the proposed requirement to allow potential sources to determine whether

they possess the requisite capabilities and to make an informed business decision regarding whether to respond.

1805.207-70 Synopses of Architect-Engineer Services and Federal Information Processing Resources.

(a) *Architect-Engineer Services.*

(1) Each notice publicizing the acquisition of architect-engineer services shall be headed "*C. Architect-Engineer Services.*"

(2) In addition to meeting the requirements of FAR 5.207(c), the project description shall--

(i) State the relative importance the Government attaches to the significant evaluation criteria and the date by which responses to the notice must be received, including submission of Standard Form 255, Architect-Engineer and Related Services Questionnaire for Specific Project, if required;

(ii) Describe any specialized qualifications, security classifications, and limitations on eligibility for consideration;

(iii) Describe qualifications or performance data required from architect-engineer firms; and

(iv) If the acquisition is to be set aside for small business, state this fact, indicating the specific size standard to be used and requiring that eligible responding firms submit a small business representation.

(3) Contracting officers shall add at the end of the synopsis:

See Note 24. Provisions of Note 24 apply to this notice except that (a) in the sentence beginning "Selection of firms for negotiations," the fourth additional consideration listed is changed to read: "(4) past experience, if any, of the firm with respect to performance on contracts with NASA, other Government agencies, and private industry;" and (b) in the last sentence, "National Aeronautics and Space Administration" is substituted for "Department of Defense."

(b) **Federal Information Processing (FIP) Resources.**

(1) When total requirement quantities are expected to satisfy the needs of only a single field installation, each notice publicizing the acquisition of FIP resources under an indefinite delivery/indefinite quantity contract or under a contract that includes options for additional quantities of such resources shall include the following:

The _____ (identify contracting activity) is the primary delivery point for the items described in this synopsis. However, NASA may order delivery to the following alternate locations: _____ (List other NASA installations and their locations).

(2) When the contemplated contract will authorize orders from locations other than the awarding installation, the notice shall fully describe the ordering scope.

Subpart 1805.3--Synopses of Contract Awards

1805.303 Announcement of contract awards.

(a)(i) In lieu of the \$3 million threshold cited in FAR 5.303(a), NASA Headquarters public announcement is required for award of contract actions that have a total anticipated value, ~~excluding~~ including unexercised options, of \$25 million or greater.

~~— This threshold applies to new awards, contract modifications, and option exercises, but not to incremental funding or cost overrun modifications.~~

1805.303-70 Definitions.

"Anticipated values," as used in this subpart, means:

- (a) The estimated value of the contract (including unexercised options),
- (b) The expected definitized value of a letter contract or undefinitized contract action; or
- (c) The maximum value of the basic contract for indefinite delivery contracts, time and material, labor hour, and similar contracts.

"Contract actions," as used in this subpart, means new awards (including letter contracts), new work contract modifications, or orders placed under multiple award contracts.

~~—— (A) For undefinitized contract actions, the not to exceed (NTE) or ceiling price value is the face value.~~

~~—— (B) For indefinite delivery, time and material, labor hour, and similar contracts, the estimated amount of the basic contract is the face value. Individual orders up to the face value shall not be announced regardless of value. However, after the face value is reached, any subsequent modifications or orders of \$25 million or greater must be announced.~~

~~—— (ii) NASA Headquarters public announcement is also required for award of a contract action with a value of less than \$25 million if the contracting officer believes it to have Agency public information implications.~~

~~—— (iii) Contractual instruments requiring Headquarters public announcement shall not be distributed nor shall any source outside NASA be notified of their status until the public announcement procedures in 1805.303-70 have been completed.~~

1805.303-70 NASA Headquarters public announcement.

~~—— (a) For those contract actions requiring Headquarters public announcement in accordance with 1805.303, the contracting officer shall furnish a draft news release including the following information, through the installation Public Affairs Office, via facsimile transmission to the Headquarters Office of Public Affairs, News and Imaging Branch (Code PM):~~

~~—— (1) A brief description of the work, including identification of the program and project;~~

~~—— (2) Identification of the contract action as either a new contract or additional work or services under an existing contract;~~

~~—— (3) Contract type. For undefinitized contract actions, identify the planned contract type of the definitized instrument;~~

~~—— (4) The dollar amount authorized for the instant action and the estimated total cost of the contract if this is different. For undefinitized contract actions, indicate the NTE or ceiling price amount;~~

~~—— (5) Name and address (including zip code) of the contractor;~~

~~—— (6) Principal work performance locations;~~

~~—— (7) Names and addresses of any unsuccessful offerors.~~

~~—— (b) The information in paragraph (a) of this section shall be provided to Code PM before transmitting a letter contract to a contractor for signature. For actions other than letter contracts, the information should be transmitted to Code PM after contractor signature, if applicable, no later than 48 hours before the planned award.~~

~~—— (c) For contract actions requiring Headquarters approval in accordance with 1804.72, the draft news release required by paragraph (a) of this section shall be provided to the Headquarters Office of Procurement (Code HS) with the request for approval. Code HS will forward the information to Code PM after approval.~~

1805.303-71 Actions requiring Administrator notification and NASA Headquarters public announcements.~~Administrator's notice of significant contract actions (ANOSCA's).~~

(a)(1) All contract actions with anticipated values of \$25 million or greater (including unexercised options) or an option exercise of \$25 million or greater require NASA Headquarters public announcements.

(2) Competitive contract actions with anticipated values of \$25 million or greater (including unexercised options) require Administrator notification.

(3) Non-competitive contract actions with anticipated values greater than \$100 million (including unexercised options) require Administrator notification.

(4) If the contracting officer considers that a contract action or other action at any dollar amount is of significant interest to Headquarters or has agency public information implications, the NASA Headquarters Office of Procurement (Code HS) should be contacted to discuss possible Administrator notification and/or NASA Headquarters public announcement. Examples of other actions include --

- (i) Terminations,
- (ii) Contract modifications,
- (iii) Exercise of options,
- (iv) Cost overrun modifications, or
- (v) Orders placed under single or multiple award contracts (including GSA).

(b) Administrator notification and NASA Headquarters public announcement is not required for individual orders placed under single or multiple award contracts. However, once the anticipated value is reached on these contracts, any subsequent modifications or orders of \$25 million or greater must be announced.

(c) Contract actions requiring Administrator notification and/or Headquarters public announcement shall not be distributed nor shall any source outside NASA be notified of their status until the procedures in 1805.303-72 are completed.

~~—(a) In addition to the public announcement requirements described in 1805.303-70, contracting officers shall notify the Administrator of the following significant actions at least five (5) workdays prior to planned public announcement of the actions:~~

~~——(1) Planned contract award for competitive acquisitions of \$25 million or more, including all priced options.~~

~~——(2) Planned contract award of non-competitive awards and new work modifications of \$100 million or more, including all priced options.~~

~~——(3) Planned award of other actions, to include cooperative agreements resulting from a Cooperative Agreement Notice (CAN), at any dollar value thought to be of significant interest to Headquarters.~~

~~—(b) To provide notification to the Administrator, the contracting officer shall send the information listed in paragraphs (b)(1)–(10) of this section to the Headquarters Office of Procurement (Code HS) via facsimile transmission (202-358-4065). Immediately prior to transmission, the contracting officer shall notify Code HS by telephone of the impending transmission. In accordance with FAR 3.104-5(c), the contracting officer shall mark all pages that include source selection information with the legend "SOURCE SELECTION INFORMATION—SEE FAR 3.104." The following information shall be sent:~~

~~——(1) Title and a brief nontechnical description of the work, including identification of the program or project;~~

- ~~— (2) Identification of the contract action as either a new contract or additional supplies or services under an existing contract;~~
- ~~— (3) Contract type (including whether a cost contract is completion or level of effort). For undefinitized contract actions, identify the planned contract type of the definitized instrument;~~
- ~~— (4) The total contract value for the instant action including all priced options. Also include the Government's most probable cost. For undefinitized contract actions, indicate the NTE or ceiling price amount;~~
- ~~— (5) The name, address, and business size status of the prime contractor and each major (over \$1M) subcontractor;~~
- ~~— (6) Small business and small disadvantaged business subcontracting goals both in dollars and percentage of the value of the action including all options;~~
- ~~— (7) Principal work performance locations;~~
- ~~— (8) Brief description of any unusual circumstances;~~
- ~~— (9) The names and telephone numbers of the contracting officer and project manager; and~~
- ~~— (10) For competitive selections only, provide on a separate attachment the names and addresses of all unsuccessful offerors and a brief explanation of the general basis for the selection.~~
- ~~— (c) The field installation shall not proceed with any awards or announcements until Code HS has advised that the Administrator has been notified of the proposed action and the supporting information. Once this advice is received from Code HS, the field installation shall proceed with the public announcement procedures described in 1805.303-70.~~

1805.303-72 Administrator notification and NASA Headquarters public announcement procedures.

(a) Administrator notification procedures.

(1) The contracting officer shall send the information listed in items (c)(1) through (10) of this section to the Headquarters Office of Procurement (Code HS) via NASA Public Key Infrastructure (PKI) or facsimile at least five (5) workdays prior to planned public announcement. After October 1, 2004, facsimile will no longer be acceptable. The electronic transmittal must include the desired date for announcing the award and the cognizant HQ Enterprise or funding organization. The contracting officer shall contact Code HS by telephone immediately prior to the impending electronic transmission. The contact must be "live"; leaving a voicemail is not sufficient, as there is no guarantee that a person so notified will be available to properly receive and handle the Administrator notification.

(2) In accordance with FAR 3.104-5(c), the contracting officer shall mark all pages that include source selection information with the legend "SOURCE SELECTION INFORMATION – SEE FAR 2.101 AND 3.104."

(3) The contracting officer shall not proceed with any awards, contract modifications, orders or announcements until Code HS confirms that the Administrator has been notified of the proposed action and coordination identified in (b)(3) has occurred with the Headquarters Office of Legislative Affairs regarding any required public announcement.

(b) NASA HQ Public Announcement Procedures.

(1) After confirmation is received that the Administrator has been notified of the proposed action, the contracting officer shall develop a draft news release that includes the information listed in (c)(1) through (8) of this section for those actions that require NASA Headquarters

public announcement. The news release must be annotated with the legend “SOURCE SELECTION INFORMATION – SEE FAR 2.101 AND 3.104”.

(2) The draft news release shall be provided to the installation Public Affairs Office no later than 72 hours before the desired public announcement, which will then coordinate with the Headquarters Office of Public Affairs no later than 48 hours before the public announcement.

(3) The Headquarters Office of Legislative Affairs (Code L) will coordinate the date of public announcement with the Headquarters Office of Public Affairs (Code PM). The Headquarters Office of Public Affairs will then coordinate with the installation Public Affairs Office.

(i) Code L will coordinate the timing for notifying offerors with the contracting officer such that the offerors are notified prior to Congress, and Congress is notified prior to public announcement.

(ii) Offerors should not be notified until the coordination identified in 3(i) has occurred.

(iii) Installations may proceed with award and local release of the information after Code PM makes the public announcement, which occurs at 4:00 PM ET on the agreed upon date.

(4) Installations must request authorization from the Assistant Administrator for Procurement (Code HS), who will then coordinate an earlier release with the Headquarters Office of Public Affairs and the Office of Legislative Affairs, if a public announcement and award earlier than 4:00 PM ET on the agreed upon date is considered appropriate (e.g., letter contracts).

(5) The draft news release required by paragraph (b)(1) of this section shall be provided to the Headquarters Office of Procurement (Code HS) with the request for approval, for contract actions requiring Headquarters approval in accordance with 1804.72.

(c) Administrator notification and NASA Headquarters public announcement documentation requirements. The Administrator notification and NASA Headquarters public announcement documents shall include the following information –

(1) Title and brief nontechnical description of the work, including identification of the program, project and period of performance;

(2) Identification of the action (e.g. new contract, contract modification, termination, exercise of an option, etc.);

(3) Contract type. For undefinitized contract actions, identify the planned contract type of the definitized instrument;

(4) Name and address (including 9-digit zip code) and business size status of the prime contractor and each major subcontractor greater than \$1 million;

(5) The dollar amount authorized for the instant action and the estimated total cost of the contract including all priced options. For undefinitized contract actions, indicate the NTE or ceiling price amount;

(6) Principal work performance locations;

- (7) A brief description of any unusual circumstances, if applicable;
- (8) The names and telephone numbers of the contracting officer and the manager responsible for the technical requirements;
- (9) Small business and small disadvantaged business subcontracting goals both in dollars and percentage of the value of the action (including all options);
- (10) For competitive selections only, provide the names and addresses of all unsuccessful offerors and a brief explanation of the general basis for the selection.

Subpart 1805.4--Release of Information

1805.402 General public.

(1) Unless the head of the contracting activity determines that disclosure would be prejudicial to the interests of NASA, the following information on NASA acquisitions may be released:

- (i) The names of firms invited to submit offers, and
- (ii) The names of firms that attended any pre-bid or pre-proposal conferences.

(2) Other requests for information under the Freedom of Information Act shall be processed in accordance with FAR 24.2 and 1824.2.

1805.403 Requests from Members of Congress.

(a) All proposed replies to congressional inquiries shall be prepared and forwarded, with full documentation, to the Headquarters Office of Legislative Affairs (Code L) for approval and release.

Subpart 1805.5--Paid Advertisements

1805.502 Authority.

Use of paid advertisements for procurement purposes (except CBD announcements) is not authorized in NASA.

